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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

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)  
Replacement of Part 90 by Part 88 to )  
Revise the Private Land Mobile Radio )  
Services and Modify the Policies )  
Governing Them )

F  
PR Docket No. 92-235

TO: THE COMMISSION

COMMENTS OF THE  
VILLAGE OF MAYVILLE, NEW YORK

I. INTRODUCTION

The Village of Mayville ("the Village") is a local government in the County of Chautauqua, State of New York with a population of 1636. The Village will be commenting on only those aspects of the proposed rule making that it feels warrant a response as it relates to the Village's operation.

II. BACKGROUND

The Village provides to it's residents traditional municipal services which include fire protection, parks, streets, sidewalks, recreation, cemetery, storm sewers, animal control, solid waste pickup and disposal, recycling, etc. The Village also operates a municipal electric distribution system serving approximately 1,000 customers as well as a municipal water supply system for about 800 customers. The Village is considered rural and the area's primary industry is tourism.

To facilitate municipal services, the Village holds two way radio licenses in the Fire Radio Service, Special Emergency Radio Service and Local Government Radio Service. Under these licences there are 35 two way radios on the UHF band and 20 two way radios operating on the VHF low band. An additional 50 pagers and alerting receivers are in service between these two bands.

The annual budget for the Village is \$2.2 million.

The radio systems that are presently in place represent a sizeable investment for a community of our size and budget. Purchases of radios were made over a period of several years for budgetary reasons.

As a cost saving measure, and to conserve valuable radio spectrum, the Village has entered into a cooperative agreement with another local governmental entity to allow that entity to operate their radios under our license.

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### III. DISCUSSION

- A. The Village realizes that radio spectrum is congested and unable to accommodate potential new users in many parts of the country. To help illustrate our understanding of the scarcity of two way radio channels, the Commission should be aware that the Village has been instrumental in assisting the Municipal Electric Utilities Association of New York State research the possibility of implementing some type of mutual aid radio system. Investigation revealed that there were no VHF low, VHF high or UHF frequencies available on a statewide basis. Research continues regarding the possibility of utilizing the 800 MHz band for this purpose, but is not looking very promising at this time. The Village was extremely concerned that FCC staff was quick to recommend that the 47 utilities scrap their existing two way radio systems, operating on all three bands, in favor of each utility going to an 800 MHz system. Our proposal to FCC staff was to utilize one 800 MHz frequency to cross-band link the dissimilar existing mobile radio systems (There was no need to intertie the base stations, just allow the mobiles to communicate when in another service area.)
- B. Based on paragraph A (above), the Village is concerned that the Commission may have lost perspective concerning the impact that wholesale changes to radio systems have on the budget of small municipalities. It should be remembered that funding, especially increases in local taxes, has become extremely tight at all levels of government. It is our opinion that Federal funding to replace radio systems to a newer technology will not happen. Massive, non-compatible technical changes could very well spell the end to vital communications systems for some police, fire, emergency medical and local government services.
- C. The Village is not opposed to "channel splitting" as was done some 30 years ago, so long as it will not render existing equipment useless. Back when channel splitting was done last, radios were easily modified to the narrow-band operation. The Village would be opposed to advances in technology that would render our present equipment unusable because it could not be modified.
- D. The Village is very concerned about licensing and channel allocations. We would be opposed to any action that would cause us to loose the number of channels we are presently licensed for. The Village is concerned that channels could be "gobbled up" by private enterprises and that we would be required to lease air time from them. We are fearful that such a situation would be too costly for many users.
- E. As mentioned in paragraph A (above), the Village is very much in favor of allocations for mutual aid use. In the case of the 47 member utilities of the Municipal Electric Utilities Association of New York State, it is common to seek the aid of neighboring members when storms cause damage that is substantial and beyond the resources of a single, small utility. A means by which utilities can communicate with each other in these situations becomes increasingly important, especially in light of increased government "shared services" programs. Similarly, mutual aid systems for fire, police and local government activities would be an extreme benefit where it can be economically implemented. Emergency

medical systems already enjoy these benefits by utilizing the MED channels. The Village is aware that regional, county-wide and local shared trunked radio systems could answer some of these needs. However, some areas will simply not be able to afford trunked systems, especially those in areas of rugged terrain. Hilly areas would necessitate many more base station sites per square mile than those areas in flatter locations. In many cases this problem is amplified by the fact that many of the hilly areas are less densely populated rural areas, and because of this have less financial resources at their disposal for new systems. Utilization of cellular telephone service for mutual aid communications is not conducive to fleet management and in times of disaster would most likely be clogged with other users, including the news media.

- F. The Commission is proposing that transmitters be limited in power (75 watts) and effective radiated power (300 watts for VHF high and UHF bands). The Village agrees that there is no need to use a higher power level or ERP than is necessary to carry out communications over the desired area of operation. However, the Village believes that the maximum power level should be 100 watts because most existing radios, particularly mobile radios, are commonly rated at the 100 watt power level. Any power level greater than 100 watts should be by special waiver after showing a justified need. ERP for VHF high and UHF bands should be fine at 300 watts but at a height above average terrain over 300 feet. The Village realizes that additional radio sites could be placed into service, but at much increased expense. Additionally, suitable base station locations are becoming increasingly difficult to locate and the increased number of frequencies needed to implement some of the systems could have a negative impact on channel availability, increased intermodulation complaints and an overall negative aesthetic impact as towers sprout up everywhere.
- G. The Commission is proposing to allocate certain frequencies by lottery. The Village believes that a lottery is an unfair method in which to allocate spectrum to users. The potential exists to permit frequencies in a given area to be licensed by a select few who didn't really need the channels but were applying anyway for speculative reasons. They will then be in a position to charge potential end users an inflated price for the privilege of using "their" frequencies. The Village, however, is more strongly opposed to spectrum auctions for similar reasons.


#### IV. CONCLUSION

- A. The Village feels that the Commission should make financial impact a primary consideration in any new rule making. It should be realized that local government, as well as other levels of government, are not in a position to fund large projects. State and Federal aid appear to be a thing of the past.
- B. The Village is in favor of 'channel splitting' so long as it will be compatible and equipment will be modifiable at a modest cost to the radio user.
- C. The Village is concerned that it could loose the present number of channels it has in operation and would be opposed to any action that would reduce the number of channels we are currently licensed for or would shift operations to another band.

- D. The Village is strongly in favor of implementing mutual aid channels on a local, regional and statewide basis.
- E. The Village is in favor of systems using the minimum amount of power needed, but feels that a maximum of 100 watts is more realistic. It also feels that the effective radiated power level of 300 watts should be imposed on antennas located 300 feet (rather than 60 meters) above average terrain.
- F. The Village is opposed to allocating spectrum by lottery but is more opposed to allocations by auction.

Dated: February 12, 1993

Respectfully submitted,

  
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